



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 15, 2006

SUBJECT: **2006-0005 – Graciela Aquirre** [Applicant] **William H and Toni E Bassett** [Owner]: Application on a 15,498 square-foot site located at **305 North Fair Oaks Avenue** (at E Arques Ave) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.

Motion Use Permit to allow beer & wine at an existing restaurant.

REPORT IN BRIEF

Existing Site Conditions Commercial Shopping Center

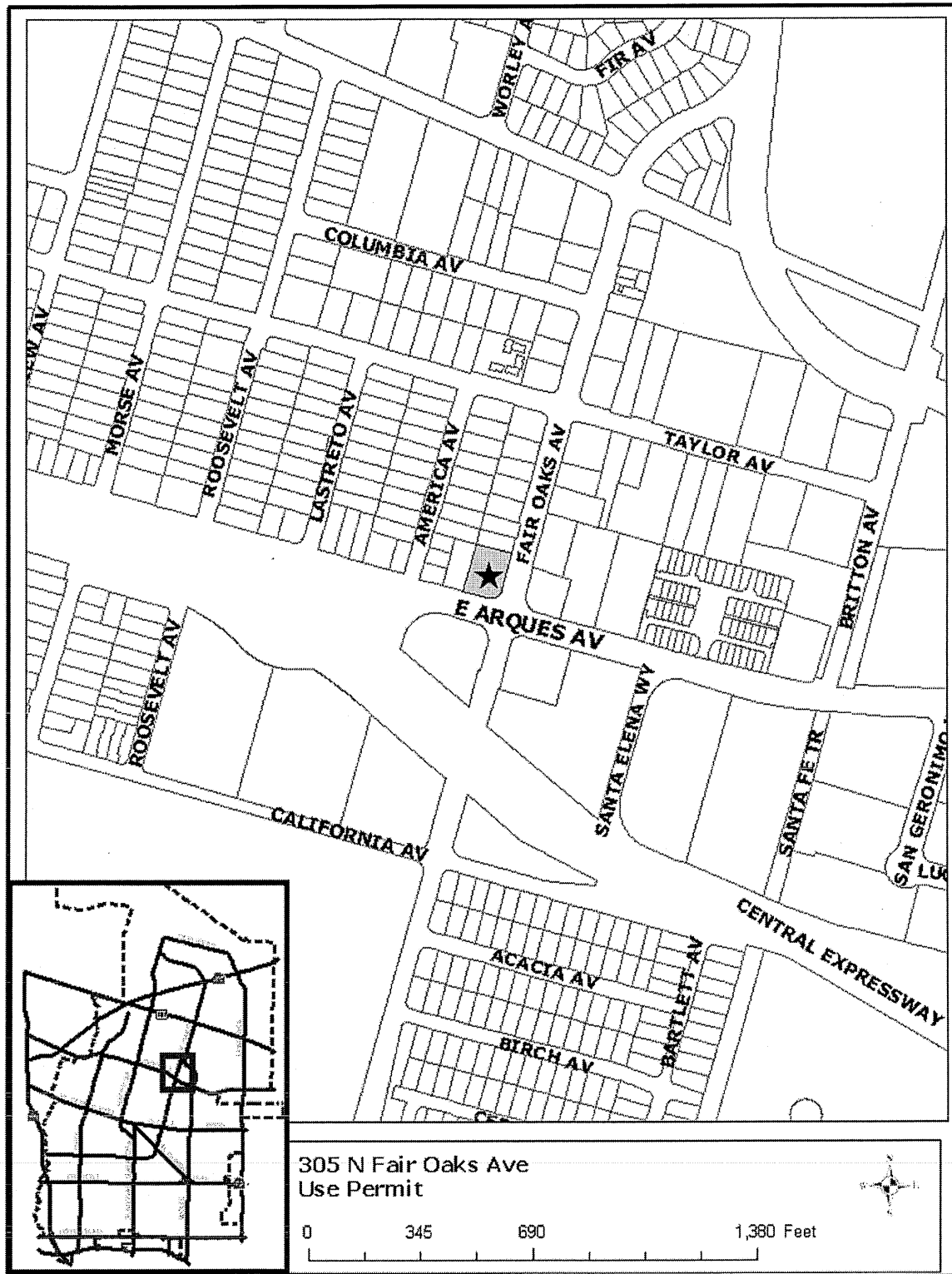
Surrounding Land Uses

North	Medium Density Residential (Apartments)
South	Automotive Repair and Service
East	Restaurant (A&W)
West	Medium Density Residential (Apartments)

Issues Neighborhood Compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial Neighborhood Shopping	Same	Commercial Neighborhood Shopping
Zoning District	C-1/PD	Same	C-1/PD
Lot Size (s.f.)	17,680	Same	No min.
Gross Floor Area (s.f.)	3,960	Same	No max.
Gross Floor Area of Tenant	800	Same	No min.
Building Coverage	22%	Same	35%
Parking			
• Total Spaces	22 (existing SMC deviation)	Same	27 min.
• Standard Spaces	21	Same	50% min.
• Compact Spaces/ % of Total	0	Same	10% max.
• Accessible Spaces	1	Same	1 min.

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing beer and wine service in an existing restaurant. Full liquor service is not being requested at this time.

Background

Little Mechoacan Restaurant has been in existence for the past year under the current ownership. This tenant space has been used as a Mexican restaurant for the past 20 years. Within the past year, Sunnyvale Public Safety has not received any complaints about this business. The City's Neighborhood Preservation Division does not have any open cases at this site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

Use Permit

Use: The applicant is not proposing any changes to the operations of the restaurant, including live entertainment or hours of operation. Planning Staff recommends Condition of Approval #3, which states the hours of operation are as follows:

Monday – Sunday: 9:00am – 9:00pm

Site Layout: This restaurant is located in an existing shopping center consisting of five tenant spaces (two are occupied by one laundromat business). The applicant is not proposing any exterior or interior changes to the building.

Parking: The number of parking spaces on site does not meet current SMC parking requirements. The shopping center was initially constructed in 1961 as an automotive service/repair center. It was converted into a commercial retail center in 1980 under a Special Development Permit (SDP). At that time the Planned Development combining district zone was added to the property. Under this SDP the center was allowed to deviate from setback and parking requirements.

Around 1983, two of the five tenant spaces were improved with restaurant uses. The available parking was determined to be sufficient for the uses on site at that time. Subsequent to 1983, other applicants have requested to convert the remaining three tenant spaces into restaurant uses, but were denied due to the shortage of available parking.

The subject request for beer and wine service will not have an effect on the parking needs of this shopping center. No additional parking spaces are required at this time.

Compliance with Development Standards/Guidelines: The proposed project does not comply with the current parking standards, as previously noted. No further improvements are required at this time.

Expected Impacts on the Surroundings

Staff believes that the proposed service of beer and wine at the site should not have a negative impact to the surrounding uses. There are nearby restaurants with the sale of alcohol that are open late into the evening.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 20 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with the Recommended Conditions of Approval found in Attachment B.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

Recommendation

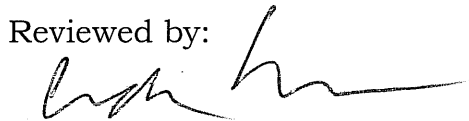
Alternative 1.

Prepared by:



Steve Lynch
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site Plan

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will provide additional commercial opportunities while not causing any negative impacts to surrounding uses.

Land Use and Transportation Element

Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

The proposed change in use will enable the business to provide additional services to its patrons.

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The proposed use will not negatively impact adjacent properties or significantly increase noise and traffic in commercial-industrial area. Restaurants that include the on-site service of beer and wine are located near the subject site.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because site is appropriately located in a commercial and service center. The ability to serve beer and wine in conjunction with meals should not be detrimental to the public welfare or injurious to surrounding properties, through conformance to the conditions of the Use Permit and compliance with SMC.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

GENERAL CONDITIONS

1. The two-year expiration of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
2. The operation hours for the business shall be as follows:
Monday – Sunday: 9:00am – 9:00pm
4. All recycling and solid waste shall be confined to approved receptacles and enclosures.
5. The property shall remain clean and free of debris and garbage.

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